

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE )  
OF CERTAIN NON-DOMINANT )  
TELECOMMUNICATIONS PROVIDERS ) CASE NO. 2004-00243  
TO FILE REPORTS REQUIRED )  
PURSUANT TO KRS 278.140 )

O R D E R

The Commission hereby serves notice upon certain non-dominant telecommunications providers who have filed tariffs to provide service in Kentucky, whose names and last-known addresses appear on Appendix A hereto, that they shall, within 30 days of the date of this Order, show cause why their authority to operate in this Commonwealth should not be revoked for failure to comply with KRS 278.140.

KRS 278.140 requires each utility to file, on or before March 31 of each year, a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year and, if applicable, an annual report. Based upon these reports, the Commission certifies to the Revenue Cabinet and the Finance and Administration Cabinet the intrastate revenue so collected. KRS 278.150. The Revenue Cabinet then, for the purpose of maintaining the Commission, assesses each utility in proportion to its receipts for intrastate business for the preceding calendar year. KRS 278.130. KRS 278.990 provides for penalties for failure to file the reports required by KRS 278.140.

The utilities listed in Appendix A to this Order have neither submitted their reports of gross earnings nor their annual reports, where applicable. Accordingly, it appears that they are subject to the penalties enumerated in KRS 278.990. However, it is not clear that these carriers are actively providing service in this Commonwealth. Moreover, it appears that pursuit of the assessments and penalties provided by KRS Chapter 278 would consume more of the Commission's limited resources than would be warranted.

Telecommunications is increasingly competitive, and regulatory oversight of such carriers is minimal. Pursuant to KRS 278.512, this Commission no longer issues a certificate for initial operations of non-dominant telecommunications carriers.<sup>1</sup> Each carrier simply files a tariff with the Commission, supplies necessary information regarding its corporate structure, and provides the name and address of its contact person for regulatory purposes.<sup>2</sup> Few carriers maintain an office in Kentucky and few are active in this state, despite their stated intent to do business here. Nevertheless, as utilities with tariffs in this state, the carriers are responsible for complying with statutory and regulatory requirements that continue to apply, including KRS 278.130, KRS 278.140, and KRS 278.150.

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<sup>1</sup> See Administrative Case No. 359, Exemptions for Interexchange Carriers, Long-Distance Resellers, Operator Service Providers and Customer-Owned, Coin-Operated Telephones (Order dated June 21, 1996); Administrative Case No. 370, Exemptions for Providers of Local Exchange Service Other Than Incumbent Local Exchange Carriers (Order dated January 8, 1998).

<sup>2</sup> Id.

Based on the foregoing, the Commission concludes that the public interest would be served best by sending this Order, by certified mail, to the regulatory contact person submitted pursuant to 807 KAR 5:003 by each of the utilities listed in Appendix A, putting each utility on notice that it must show cause to this Commission within 30 days from the date of this Order why it should not be subject to the penalties prescribed in KRS 278.990 for failure to comply with the statutes cited herein. In the absence of such showing and without further Commission Order, each carrier's authorization to provide service in Kentucky shall be revoked, its tariff shall be removed from the Commission's files, and its name shall be stricken from the Commission's list of active utilities. At that time any customer it currently serves shall be notified that the utility no longer provides service in Kentucky and that the customer must obtain service from another carrier.

Should any utility whose tariff is stricken under the terms of this Order later wish to file a tariff to provide service in this Commonwealth, the penalties for its failure to comply with KRS 278.140 together with accrued interest at the statutory rate of 6 percent per annum, shall be paid prior to the institution of service.

IT IS SO ORDERED.

Done at Frankfort, Kentucky, this 12<sup>th</sup> day of July, 2004.

By the Commission

ATTEST:

*Deputy* Robert C. Amato  
Executive Director

Case No. 2004-00243

## APPENDIX A

ID: 33350016  
**1-800-RECONEX**  
**dba USTel**  
Anne Lynch  
Regulatory Manager  
2500 Industrial Avenue  
Hubbard, OR 97032

ID: 5115300  
**Atlas Communications, Ltd.**  
**c/o Patrick D. Crocker, Attorney**  
Early, Lennon, Crocker, Bartosiewicz, P  
900 Comerica Building  
Kalamazoo, MI 49007

ID: 5137200  
**Communications Billing, Inc.**  
Courtney A Maroon  
Director of Regulatory Affairs  
20033 Detroit Road Annex  
Suite 202  
Rocky River, OH 44116

ID: 5166000  
**Alticomm, Inc.**  
James Cornblatt  
Director of Regulatory Affairs  
115 Shawmut Road  
Canton, MA 02021

ID: 22251612  
**BAK Communications, LLC**  
Anthony Manzilla  
Chief Operating Officer  
951 Old County Road  
Suite 239  
Belmont, CA 94002

ID: 5141800  
**Consolidated Billing Provider, LLC**  
**dba Direct Access Group, LLC, c/o Pat**  
Early, Lennon, Crocker, Bartosiewicz, PL  
900 Comerica Building  
Kalamazoo, MI 49007

ID: 5145700  
**America Net, Inc.**  
Maria Zepeda  
Office Manager  
3435 Wilshire Blvd.  
Suite 1090  
Los Angeles, CA 90010

ID: 5167200  
**Better World Telecom, Inc.**  
James Kenefick  
CEO  
11921 Freedom Drive  
Suite 550  
Reston, VA 20190

ID: 5145900  
**Direct One, Inc.**  
Anthony C Brown  
President  
P. O. Box 11968  
Santa Ana, CA 927111968

ID: 5138500  
**American Nortel Communications, Inc.**  
William P Williams  
President  
7975 N. Hayden Road  
Suite C260  
Scottsdale, AZ 852583217

ID: 22251673  
**BullsEye Telecom, Inc.**  
Charles L Schneider, Jr.  
Regulatory  
25900 Greenfield Road  
Suite 330  
Oak Park, MI 48237

ID: 5135300  
**Discount Utilities, LLC**  
Steve Brown  
Regulatory  
P. O. Box 839  
116 West Washington  
Monticello, IN 47960

ID: 5052560  
**AmTel Communications, Inc.**  
Recee Norwood  
3449 Lampton Avenue  
Suite B  
Jackson, MS 39213

ID: 5164300  
**Choice Telco, LLC**  
Joe Sauer  
Bushnell on the Park  
100 Wells Street  
Hartford, CT 06103

ID: 5163600  
**Equal Access Communications, LLC**  
**dba Equal Access**  
Sue Golden  
Customer Service  
402 Live Oak Blvd.  
P. O. Box 181291  
Casselberry, FL 32707

ID: 22250004  
**Annox, Inc.**  
Linda Weitman  
VP Finance/Controller  
6509 Highway 41A  
P.O. Box 230  
Pleasant View, TN 37146

ID: 5050180  
**CI2, Inc.**  
Sharon Mendon  
Operations Director  
200 Galleria Parkway, NW  
Suite 1200  
Atlanta, GA 30339

ID: 5007200  
**EZ Talk Communications, L.L.C.**  
James Brown  
General Manager  
4727 South Main  
Stafford, TX 77477

ID: 5000400  
**Annox, Inc.**  
Linda Weitman  
VP Finance/Controller  
6509 Highway 41A  
P. O. Box 230  
Pleasant View, TN 371460230

ID: 5168200  
**Colorado Communications Network, Inc.**  
**dba Hospitality Communications**  
Brian J Robertson  
President  
13952 Denver West Parkway  
Suite 300  
Lakewood, CO 80401

ID: 5167400  
**France Telecom Corporate Solutions**  
**L.L.C**  
Jean-Sebastien Falisse  
Secretary-Treasurer  
2300 Corporate Park Drive  
Mailstop SP0606  
Herndon, VA 20171

ID: 5159400  
**Global Crest Communications, Inc.**  
c/o TCS  
1720 Windward Concourse  
Suite 250  
Alpharetta, GA 30005

ID: 4201800  
**Northstar Technology, LLC**  
Carlos Carpenter  
President  
1895 Highway 461  
Somerset, KY 42503

ID: 22251542  
**WorldxChange Corp.**  
dba Acceris Communications Solutions  
Ken Hilton  
President  
9775 Business Park Avenue  
San Diego, CA 92131

ID: 5145600  
**Glyphics Communications, Inc.**  
Liz Petroni  
c/o Capitol Hill Consulting  
901 N. Brutscher, D 358  
Newbert, OR 97132

ID: 5005200  
**OneStar Communications, LLC**  
dba Network One  
Ami Larrison  
7100 Eagle Crest Blvd.  
Evansville, IN 47715

ID: 5054260  
**Home Phone of Kentucky LLC**  
Kenneth Calkins  
President  
1710 East 10th. Street  
Jeffersonville , IN 47130

ID: 22253004  
**Pilgrim Telephone, Inc.**  
Maria Cruz  
Supervisor  
One Kendall Square  
Building 600, PMB 450  
Cambridge, MA 021399171

ID: 22251137  
**ICG Telecom Group, Inc.**  
Cynthia Walker  
Director-Business & Gov't Affairs  
180 Grand Avenue, Suite 450  
Oakland, CA 94612

ID: 22251087  
**Qwest Communications, Inc.**  
Kristin L Smith  
Sr. Attorney  
1801 California Street  
Suite 4700  
Denver, CO 80202

ID: 5053490  
**National Telecom & Broadband Services, LLC**  
Mark Mansour  
2400 E. Commercial Blvd.  
Suite 720  
Ft. Lauderdale , FL 33308

ID: 5050210  
**Sun-Tel USA, Inc.**  
Jahan Babadi  
President  
5921-2 University Blvd., West  
Jacksonville, FL 32216

ID: 5052910  
**NationNet Communications Corporation**  
Ralph Monroe  
President/CEO  
P. O. Box 10006  
Jackson, TN 38308

ID: 5012400  
**TeleConex, Inc.**  
Chris Watson  
Vice President  
4100 Barrancas Avenue  
Pensacola, FL 32507

ID: 4201600  
**Northcoast Communications, L.L.C.**  
John M Dolan  
Managing Member  
510 Broadhollow Road  
Suite 300  
Melville, NY 11747

ID: 5053000  
**Tri-County Communications, Inc.**  
Avona L McArter  
1401 Highland Avenue  
Suite 2  
Carrollton, KY 41008